

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL B. JOHNSON,)
) CIVIL NO. 3:19-cv-06039-RAJ
Plaintiff,)
) ORDER
vs.)
)
COMMISSIONER OF SOCIAL SECURITY,))
)
Defendant)
)

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on April 21, 2020 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization

1 of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are
2 met.

3 Having thoroughly considered the parties' briefing and the relevant record, the
4 Court hereby GRANTS the motion and awards Plaintiff \$5,060.16 in attorney's fees,
5 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560
6 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney:
7 David Oliver & Associates, 2608 South 48th Street, Suite C, Tacoma, WA 98409. Pursuant
8 to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if the
9 Commissioner confirms that Plaintiff owes no debt to the Government through the Federal
10 Treasury Offset program.
11

12 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is
13 GRANTED.

14 DATED this the 12th day of August, 2020.

15
16 

17 The Honorable Richard A. Jones
18 United States District Judge
19
20
21
22
23
24
25